

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,)
Plaintiff,)
vs.)
MATTHEW L. KOLACZOWSKI,)
Defendant.)**

8:10CR418

ORDER

This matter is before the court on the motion of Kevin P. Bolger (Mr. Bolger) to withdraw as counsel for the defendant, Matthew L. Kolaczowski (Kolaczowski) (Filing No. 44). The motion is granted, and Mr. Bolger has leave to withdraw.

The court has examined a financial affidavit submitted by Kolaczowski and has determined Kolaczowski is eligible for appointment of counsel pursuant to the Criminal Justice Act, 18 U.S.C. §3006A, and the Amended Criminal Justice Act Plan for the District of Nebraska. The Federal Public Defender for the District of Nebraska is appointed to represent Kolaczowski for the balance of these proceedings. In the event that the Federal Public Defender accepts this appointment, the Federal Public Defender shall forthwith file a written appearance in this matter. The Clerk shall provide a copy of this order to the Federal Public Defender for the District of Nebraska. In the event the Federal Public Defender should decline this appointment for reason of conflict or on the basis of the Criminal Justice Act Plan, the Federal Public Defender shall forthwith provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district. Mr. Bolger shall forthwith provide the Federal Public Defender with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Bolger which are material to Kolaczowski's defense.

The hearing on the motion to withdraw scheduled in this matter for August 20, 2012, was cancelled. A pretrial conference pursuant to Fed. R. Crim. P. 17.1 will be held in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza,

Omaha, Nebraska, on **January 9, 2013, at 10:00 a.m.** before the undersigned magistrate judge. The defendant need not be present for such conference.

Trial of this matter is continued *sine die* and will be rescheduled following a report of Kolaczowski's medical condition at the Rule 17.1 conference. The ends of justice have been served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of this continuance, i.e., the time between **August 24, 2012, until January 9, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant is physically unable to stand trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(3)(B)(4).

IT IS SO ORDERED.

DATED this 24th day of August, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge